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SIPDIS

DOE FOR GPERSONS, CHAYCOCK  
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COMMERCE FOR KBURRESS  
USDOC FOR 3130/USFC/OIO/ANESA/DHARRIS  
STATE PASS USTR FOR LISER, AGAMA  
STATE PASS USAID FOR NFREEMAN, GBERTOLIN  
STATE PASS OPIC FOR ZHAN, MSTUCKART  
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SUBJECT: NIGERIA: ELECTORAL REFORM COMMITTEE TAKES RECOMMENDATIONS IN SOUTHERN GEO-POLITICAL ZONES

**¶11. (U) SUMMARY:** Nine months after its inauguration, the Electoral Reform Committee (ERC) held public hearings. Recommendations from the three southern zones included: inclusion of civil society as INEC members, funding of INEC from the Federation Account, staggered elections, queue voting, issuance of voter ID cards, and reduction in number of political parties. End Summary.

**¶12. (U)** Appointed by President Yar'Adua on August 28, 2007, the 22 member Electoral Reform Committee (ERC) held a series of public hearings in the south-west cities of Lagos and Ibadan, in the south-south cities of Calabar and Benin City, and in the South-east cities of Enugu and Owerri. The hearings followed the same format at each location: ERC listened to the general public on the first day; the governments, political parties, electoral commissions, and security agencies on the second day; and, civil society organizations, women, media, and other interested groups on the third day. Justice Muhammadu Lawal Uwais, Chairman of the ERC, recalled in his opening remarks at each session the terms of reference drawn up by President Yar'Adua to guide the ERC's work. They include reviewing past elections and identifying factors that impacted negatively on their performance; examining the role of institutions and stakeholders as well as the current electoral act to determine their impact on the quality of past elections; prescribing mechanisms to reduce post election violence and recommending an electoral process that conforms to acceptable international standards. According to Uwais, the Committee had received over 200 memoranda from stakeholders all over Nigeria. Public hearings were held in recognition that some stakeholders were unable to submit written memoranda, Uwais said. Below follows recommendations that recurred at each hearing.

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INEC Must Include Civil Society Members  
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**¶13. (U)** Participants criticized the existing manner of appointing INEC principal officers. (Note: The existing electoral law empowers the President to appoint the INEC chair and commissioners, subject to ratification by the Senate of the National Assembly. End Note) Former Oyo State Governor Lam Adesina and former Edo State Governor John Odigie-Oyegun, among others, proposed that future INEC officials be drawn from civil society organizations, labor unions, professional bodies, women, students and religious groups. Other participants, including Professor Adebayo Williams, Chairman of the Lagos State Independent Electoral Commission (LASIEC), argued for the appointment of the INEC chairman by the National Judicial

Council as a way to make INEC more autonomous and non-partisan. Femi Aborishade, a civil society representative, echoing the sentiment of many other NGO presenters, demanded that INEC need to have a budget drawn from the Federation Account, which was not subject to the discretion of the President, as is presently the case.

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Stagger Elections for Efficiency, Transparency  
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**¶14.** (U) Several participants criticized the INEC election timetable that requires elections to be held simultaneously in all states. In addition to overstretching resources, the arrangement aids election fraud and other irregularities, they argued. Many presenters recommended staggered elections to ensure proper coordination and monitoring by INEC and civil society. Many participants suggested that each geo-political zone should hold its elections on a different date.

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Queue Voting, Voter ID Recommended  
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**¶15.** (U) The majority of presenters who commented on voting procedures called for modifications to the secret ballot system. Suggestions included the adoption of queue voting rather than secret ballots and the immediate display of written result sheets at each polling station. Participants recognized the fact that this process resulted in Nigeria's freest and fairest election in 1993, in which Chief M.K.O Abiola of the now defunct Social Democratic Party (SDP) was elected. Former Lagos Governor Bola Ahmed Tinubu called for the

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institution of a voter identification card, and for the establishment of an Electoral Security Commission composed of the police, army, civil society, civil defense, and legal community to assist with conducting elections.

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INEC to Focus on Elections Not Admin Matters  
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**¶16.** (U) Many groups suggested that aspects of INEC's current responsibilities could be distributed to relevant government agencies. Doing so will relieve INEC of certain administrative duties and enable it to concentrate on conducting the elections. Some examples included: allowing the National Civic Registration Council to conduct voter registration; giving the National Directorate of Employment, assisted by security agencies, the task of handling recruitment and screening of INEC staff; and, assigning the National Orientation Agency to conduct civic education and sensitize people on election related matters.

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Trim Parties To Avoid Confusion Among Electorate  
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**¶17.** (U) At all hearings, many organizations argued that the existence of fifty-one registered political parties is inimical to credible elections. Many presenters, including several political parties, recommended a two-party system consisting of the two largest political parties. They alleged that the current proliferation of parties is responsible for the domination of the Peoples Democratic Party (PDP) over the political scene. Another contributor wanted more stringent conditions for party membership. He said politicians who switch parties should be required to be members of the new party for two years before being allowed to run for elected office. That, he said, will discourage politicians who merely join a political party for personal gain. (Note: Often individuals declare their candidacies believing that they will be bought off by competitors. End Note). Some participants argued for equitable media coverage of and transparent donations to political parties.

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No Assumption of Office Until Tribunal Process Ends

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**¶18. (U)** Participants also suggested that candidates whose election is disputed not be allowed to assume office until all the petitions arising from that dispute are decided by the election tribunals. Representatives of state governments and political parties were among those who decried the present situation in which elected officials are removed from office over election related cases several months after they have been sworn into office. Presenters proposed deadlines of between three to six months for the adjudication of election petitions.

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**Proportional Representation Assures Ethnic Balance**  
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**¶19. (U)** Many contributors frowned at the existing electoral arrangement which, they alleged, denied some political parties and ethnic groups participation in national and state legislatures. They urged the ERC to propose an electoral process that will ensure that legislative seats are allocated in proportion to the votes won by each political party. Others urged the adoption of a proportional arrangement that will ensure that many ethnic nationalities are duly represented.

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**Punish Electoral Offenders**  
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**¶10. (U)** Many participants decried the culture of impunity that surrounds the electoral process. They testified that existing electoral laws lack provisions for punishment, including jail terms, for persons violating electoral laws. The absence of such punitive measures encourages election fraud and irregularities, they said. They recommended the establishment of an Election Offences Tribunal to try electoral officers, party and security agents and others who

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tamper with the election process.

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**Gender Parity**  
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**¶11. (U)** Women's groups at all hearings advanced the argument that some political offices should be reserved for women, and called for that policy to be enshrined not only in the electoral law but also in the Nigerian constitution. The ERC noted that the demand exceeds the panel's mandate.

**¶12. (U)** Comment: The impressive turn out and the well thought out contributions show that there is no dearth of ideas about how to conduct fair, credible elections; only political leadership can make it happen. As many contributors confided privately, they feared that, despite the hearings, the political leadership and commitment to really change the electoral system may not be there. Others expressed fears that, at best, ERC recommendations will be severely weakened by national legislators whose judgment is influenced by personal political considerations over national good. End Comment

**¶13. (U)** This cable was cleared with Embassy Abuja.

HUDSON